

AMENDED IN ASSEMBLY APRIL 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1173

Introduced by Assembly Member Frusetta

February 25, 1999

~~An act to amend Section 4301 of the Fish and Game Code, and to amend Section 19501 of, and to add Section 19504 to, the Food and Agricultural Code, relating to deer. An act to amend Sections 18943, 18946, 18947, 18991, 19000, 19001, 19013, 19016, 19020, and 19501 of the Food and Agricultural Code, relating to meat.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1173, as amended, Frusetta. ~~Deer: slaughter: human consumption~~ *Farm-raised American bison, Asian water buffalo, and fallow deer meat.*

~~Under~~

(1) ~~Under~~ existing law, it is unlawful to sell or purchase, or transport for the purpose of sale, any deer meat in this state unless imported, as prescribed. Cattle and other enumerated animals may be slaughtered, as provided. Any person engaged in raising any domesticated game mammal that normally exists in the wild in this state is required to obtain a domesticated game breeder's license.

This bill would ~~allow a slaughterer licensed to slaughter bovine animals to slaughter deer, as defined, pursuant to regulations adopted by the Department of Food and Agriculture, that have been raised for that purpose by a~~

~~licensed domesticated game breeder provide that farm-raised American bison, Asian water buffalo, or fallow deer may be slaughtered and prepared for transportation or sale, or transportation and sale under existing provisions of law currently applicable to cattle and other specified animals.~~

~~The bill would make conforming changes in that regard and would allow deer meat to be sold or purchased, or transported for the purpose of sale, in this state that has been processed by a slaughterer pursuant to the bill—~~revise the definitions of “livestock,” “custom livestock slaughterhouse,” and “meat processing establishment” to include these animals, as prescribed, for the purposes of the California Meat and Poultry Inspection Act and the California Meat and Poultry Supplemental Inspection Act. Because a violation of these acts is a misdemeanor, the bill would expand the scope of existing crimes, thereby imposing a state-mandated local program.

The bill also would require a licensed livestock meat inspector under the provisions of the California Meat and Poultry Supplemental Inspection Act, after inspecting a meat processing establishment, to stamp passed carcasses and parts of these animals slaughtered and prepared for transportation or sale with an approved mark of inspection.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 4301 of the Fish and Game Code~~
- 2 *SECTION 1. Section 18943 of the Food and*
- 3 *Agricultural Code is amended to read:*
- 4 18943. “Livestock” means any cattle, sheep, swine,
- 5 and goat, and pursuant to regulations adopted by the Fish
- 6 and Game Commission, for the purposes of Chapter 4
- 7 (commencing with Section 18650) and this chapter, any

1 *farm-raised American bison (Bison bison), Asian water*
2 *buffalo (Bubalus bubalis), and fallow deer (Dama dama),*
3 *whether alive or dead.*

4 *SEC. 2. Section 18946 of the Food and Agricultural*
5 *Code is amended to read:*

6 18946. “Custom livestock slaughterhouse” means a
7 licensed establishment ~~where livestock~~ *where:*

8 (a) *Cattle, sheep, swine, or goats are slaughtered and*
9 *prepared for the owners of the livestock.*

10 (b) *Farm-raised American bison, Asian water buffalo,*
11 *or fallow deer are slaughtered and prepared for*
12 *transportation or sale, or transportation and sale.*

13 *SEC. 3. Section 18947 of the Food and Agricultural*
14 *Code is amended to read:*

15 18947. “Meat processing establishment” means a
16 licensed establishment required to be inspected ~~by~~
17 *pursuant to Chapter 4 (commencing with Section 18650)*
18 *where livestock or poultry products are prepared by*
19 *curing, drying, smoking, or rendering, or where livestock*
20 *products of swine are cooked, and the products are sold*
21 *on the premises to household consumers, and a licensed*
22 *establishment where farm-raised American bison, Asian*
23 *water buffalo, or fallow deer products may be prepared*
24 *for transportation or sale, or transportation and sale.*

25 *SEC. 4. Section 18991 of the Food and Agricultural*
26 *Code is amended to read:*

27 18991. (a) A licensed livestock meat inspector ~~shall,~~
28 *in accordance with regulations adopted hereunder, shall*
29 *conduct antemortem examination of each animal to be*
30 *slaughtered in a licensed establishment and shall permit*
31 *the slaughter of apparently healthy animals and withhold*
32 *from slaughter all animals suspected, as well as those*
33 *plainly showing evidence, of a disease. Animals so*
34 *withheld shall be examined by a department employee*
35 *who shall order the disposition of the animal pursuant to*
36 *the regulations adopted hereunder.*

37 (b) The licensed livestock meat inspector shall
38 conduct a postmortem examination and make
39 dispositions of carcasses and parts thereof in accordance
40 with regulations adopted hereunder.

1 (c) A licensed livestock meat inspector shall conduct
2 a sanitation inspection before the establishment
3 commences operations for the day, and make periodic
4 inspections throughout the day.

5 (d) The licensed livestock meat inspector shall order
6 the establishment not to begin operations or to cease
7 operations at any time that the establishment sanitation
8 fails to meet the requirements of this chapter and the
9 regulations adopted thereunder, or at any time any
10 product is not handled, retained, condemned, or disposed
11 of in violation of this chapter or the regulations
12 thereunder.

13 (e) (1) Passed carcasses and parts ~~thereof~~ of cattle,
14 sheep, swine, and goat shall be stamped by the licensed
15 livestock meat inspector or under his or her supervision
16 with an approved California identification number.

17 (2) *Passed carcasses and parts of farm-raised American*
18 *bison, Asian water buffalo, and fallow deer slaughtered*
19 *and prepared for transportation or sale shall be stamped*
20 *with an approved mark of inspection.*

21 SEC. 5. Section 19000 of the Food and Agricultural
22 Code is amended to read:

23 19000. Each person, before acting as a licensed
24 ~~livestock—meat~~ processing inspector in a retail meat
25 processing establishment, shall apply to the department
26 and receive from the department a license after passing
27 an examination and a demonstration that shows the
28 applicant's ability to understand laws and regulations that
29 pertain to meat inspection and a practical knowledge of
30 all the following:

31 (a) Conditions that affect adulteration, misbranding,
32 and wholesomeness of livestock and poultry products.

33 (b) Sanitary meat and poultry processing procedures.

34 (c) Sanitation of the facilities and the equipment used
35 in retail meat processing establishments.

36 SEC. 6. Section 19001 of the Food and Agricultural
37 Code is amended to read:

38 19001. (a) A licensed processing inspector shall
39 conduct a sanitation inspection before the establishment

1 commences operations for the day, and shall make
2 periodic inspections throughout the day.

3 (b) The licensed processing inspector shall order the
4 establishment not to begin operations or to cease
5 operations at any time that the establishment sanitation
6 fails to meet the requirements of this chapter and the
7 regulations adopted thereunder, or at any time any
8 product is not handled, retained, condemned, or disposed
9 of in violation of this chapter or the regulations
10 thereunder.

11 (c) The licensed processing inspector shall direct the
12 application of the mark of inspection as provided by
13 regulations on products that are inspected by him or her
14 and found to be wholesome, not adulterated, and derived
15 from (1) United States Department of Agriculture
16 inspected carcasses, or (2) *farm-raised American bison,*
17 *Asian water buffalo, or fallow deer carcasses at custom*
18 *livestock slaughterhouses.*

19 SEC. 7. Section 19013 of the Food and Agricultural
20 Code is amended to read:

21 19013. No person shall operate a meat processing
22 establishment unless all livestock and poultry products
23 used in processing and to be sold have been inspected by
24 the United States Department of Agriculture,
25 *farm-raised American bison, Asian water buffalo, and*
26 *fallow deer products have been inspected at a custom*
27 *livestock slaughterhouse, or the poultry products have*
28 *been inspected in accordance with the requirements of*
29 *Chapter 3 (commencing with Section 24951) of Part 1 of*
30 *Division 12 and the processing of the product is inspected*
31 *by a licensed livestock-meat processing inspector.*

32 SEC. 8. Section 19016 of the Food and Agricultural
33 Code is amended to read:

34 19016. (a) ~~All~~ (1) *Except as provided in paragraph*
35 *(2), all custom slaughtered livestock carcasses and parts*
36 *shall be marked in a manner required by the director*
37 *department to identify the inspected premises and that*
38 *the products are not for sale.*

39 (2) *Farm-raised American bison, Asian water buffalo,*
40 *and fallow deer carcasses and parts thereof intended for*

1 *transportation or sale shall be marked in a manner*
2 *required by the department to identify the inspected*
3 *premises and to show that the products have been*
4 *inspected under this chapter.*

5 (b) The ~~director~~ department shall determine, by
6 regulation, the official design of the ~~mark which is~~ marks
7 *that are* required by this chapter.

8 *SEC. 9. Section 19020 of the Food and Agricultural*
9 *Code is amended to read:*

10 19020. This chapter does not apply to any of the
11 following:

12 (a) (1) Owners who slaughter, on their own premises,
13 ~~animals~~ cattle, swine, sheep, or goats of their own raising
14 where the meat is not for sale, but used exclusively by the
15 owners, members of the owner's household, the owner's
16 employees, and nonpaying guests.

17 (2) Owners who slaughter, on their own premises,
18 farm-raised American bison, Asian water buffalo, and
19 fallow deer for their own consumption or for
20 transportation or sale, or transportation and sale.

21 (b) A mobile slaughter operator who provides ~~such~~
22 services to an owner as specified ~~above~~ in subdivision (a)
23 where the slaughter occurs on the owner's premises and
24 the meat is thereafter transported for the owner to an
25 establishment for further processing.

26 (c) Persons solely engaged in cutting, wrapping, and
27 otherwise processing farm or custom slaughter livestock
28 or the processing and sale of fresh meats derived from
29 United States Department of Agriculture inspected
30 carcasses, except the curing, smoking, and preparing of
31 cooked or smoked sausages or cooked pork products
32 ~~which~~ that are not exempted under subdivision (b) of
33 Section 18814.

34 (d) Livestock slaughter and meat and poultry
35 processing inspected by the United States Department of
36 Agriculture.

37 *SEC. 10. Section 19501 of the Food and Agricultural*
38 *Code is amended to read:*

39 19501. (a) Cattle, calves, horses, mules, sheep, swine,
40 goats, farm-raised American bison, Asian water buffalo, or

1 *fallow deer*, or poultry shall be slaughtered by the
2 methods prescribed in this section. No state agency shall
3 contract for, purchase, procure, or sell all or any portion
4 of any animal, unless that animal is slaughtered in
5 conformity with this chapter. This chapter applies to any
6 person engaged in the business of slaughtering animals
7 enumerated in this section, or any person slaughtering
8 any such animal when all, or any part of, that animal is
9 subsequently sold or used for commercial purposes.

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11 (b) All cattle, calves, horses, mules, sheep, swine,
12 goats, *farm-raised American bison, Asian water buffalo, or*
13 *fallow deer subject to this part, or poultry subject to Part*
14 *1 (commencing with Section 24501) of, Part 2*
15 *(commencing with Section 25401) of, and Part 3*
16 *(commencing with Section 26401) of, Division 12* shall be
17 slaughtered by either of the following prescribed
18 methods:

19 ~~(a)~~

20 (1) The animal shall be rendered insensible to pain by
21 a captive bolt, gunshot, electrical or chemical means, or
22 any other means that is rapid and effective before being
23 cut, shackled, hoisted, thrown, or cast, with the exception
24 of poultry which may be shackled.

25 ~~(b)~~

26 (2) The animal shall be handled, prepared for
27 slaughter, and slaughtered in accordance with ritual
28 requirements of the Jewish or any other religious faith
29 that prescribes a method of slaughter whereby the animal
30 suffers loss of consciousness by anemia of the brain caused
31 by the simultaneous and instantaneous severance of the
32 carotid arteries with a sharp instrument.

33 This section does not apply to the slaughter of spent
34 hens and small game birds, as defined by the department
35 by regulation.

36 SEC. 11. *No reimbursement is required by this act*
37 *pursuant to Section 6 of Article XIII B of the California*
38 *Constitution because the only costs that may be incurred*
39 *by a local agency or school district will be incurred*
40 *because this act creates a new crime or infraction,*

1 *eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section*
3 *17556 of the Government Code, or changes the definition*
4 *of a crime within the meaning of Section 6 of Article*
5 *XIII B of the California Constitution.*

6 ~~is amended to read:~~

7 ~~4301. (a) Subject to the provisions of this code~~
8 ~~permitting the sale of domestically raised game~~
9 ~~mammals, it is unlawful to sell or purchase, or transport~~
10 ~~for the purpose of sale, any deer meat in this state,~~
11 ~~whether fresh, smoked, canned, or preserved by any~~
12 ~~means, except deer meat processed by a slaughterer in~~
13 ~~accordance with Section 19504 of the Food and~~
14 ~~Agricultural Code, and except that deer meat may be~~
15 ~~imported into this state from a foreign country for the~~
16 ~~purpose of processing (manufacturing) and selling a~~
17 ~~product commonly known as venison or deer jerky or~~
18 ~~venison or deer salami, properly labeled as such, for~~
19 ~~human consumption. All deer meat imported into this~~
20 ~~state shall meet all of the sanitary and inspection~~
21 ~~requirements for wholesomeness, except an ante mortem~~
22 ~~inspection, but including a post mortem inspection, as~~
23 ~~required for other meat imported for human~~
24 ~~consumption. The deer meat shall be in an identifiable~~
25 ~~condition and accompanied by a bill of lading, showing~~
26 ~~the name of the consignor, the consignee, and the weight~~
27 ~~of the deer meat shipped. A copy of the bill of lading shall~~
28 ~~be delivered to the nearest office of the department~~
29 ~~either prior to, or not later than, two days from the date~~
30 ~~of receipt of the deer meat. No such deer meat imported~~
31 ~~into this state may leave the premises of the original~~
32 ~~consignee unless written permission is received from the~~
33 ~~department, or unless it is processed into the form of the~~
34 ~~product commonly known as jerky or salami.~~

35 ~~(b) As used in this section, "deer" includes any animal~~
36 ~~of the family Cervidae.~~

37 ~~SEC. 2. Section 19501 of the Food and Agricultural~~
38 ~~Code is amended to read:~~

39 ~~19501. (a) Cattle, calves, horses, mules, sheep, swine,~~
40 ~~goats, deer, as defined in subdivision (b) of Section 4301~~

1 of the Fish and Game Code, or poultry shall be
2 slaughtered by the methods prescribed in this section. No
3 state agency shall contract for, purchase, procure, or sell
4 all or any portion of any animal, unless that animal is
5 slaughtered in conformity with this chapter. This chapter
6 applies to any person engaged in the business of
7 slaughtering animals enumerated in this section, or any
8 person slaughtering any such animal when all, or any part
9 of, that animal is subsequently sold or used for
10 commercial purposes.

11 (b) All cattle, calves, horses, mules, sheep, swine,
12 goats, deer, or poultry shall be slaughtered by either of
13 the following prescribed methods:

14 (1) The animal shall be rendered insensible to pain by
15 a captive bolt, gunshot, electrical or chemical means, or
16 any other means that is rapid and effective before being
17 cut, shackled, hoisted, thrown, or cast, with the exception
18 of poultry, which may be shackled.

19 (2) The animal shall be handled, prepared for
20 slaughter, and slaughtered in accordance with ritual
21 requirements of the Jewish or any other religious faith
22 that prescribes a method of slaughter whereby the animal
23 suffers loss of consciousness by anemia of the brain caused
24 by the simultaneous and instantaneous severance of the
25 carotid arteries with a sharp instrument.

26 (c) This section does not apply to the slaughter of
27 spent hens and small game birds, as defined by the
28 department by regulation.

29 SEC. 3. Section 19504 is added to the Food and
30 Agricultural Code, to read:

31 19504. A slaughterer licensed pursuant to Section
32 22001 to slaughter bovine animals, pursuant to regulations
33 adopted by the department, may slaughter deer, as
34 defined in subdivision (b) of Section 4301 of the Fish and
35 Game Code, that have been raised for that purpose by a
36 person who has obtained a domesticated game breeder's
37 license pursuant to Section 3200 of the Fish and Game
38 Code.